

Appln. No. 09/664,273  
Amendment dated December 22, 2008  
Reply to Office Action dated August 21, 2008

**Amendments to the Drawings:**

The attached drawing sheet includes changes to Fig. 1. This sheet, which includes Fig. 1 replaces the original sheet including Fig. 1.

Attachment: Replacement Sheet

### **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. As explained in more detail below, the drawings have been amended to overcome the objection. In the event that the prior art-based rejections are not withdrawn in view of the arguments presented below, Applicant respectfully requests that the drawing amendments be fully considered and entered for the purpose of placing the application in a better condition for appeal.

Claims 41-45 were withdrawn from consideration as being drawn to a non-elected invention. Accordingly, claims 41-45 have been canceled by amendment herein.

The drawings were objected to under 37 CFR 1.83(a), as not showing every feature of the claimed invention. In particular, the Examiner cited the language of claim 1 and underlined a portion, presumably to identify the features which were not shown in the drawing figures.

In order to overcome the objection, Fig. 1 has been amended to illustrate a plurality of hearing aids 100 and receivers 1. No new matter has been added. On page 3 of the specification, in the last paragraph (beginning “In the second place by means of...” ) the operation of the system with multiple user’s receivers 1 is discussed. Throughout the specification, the operation of the receivers 1 with corresponding hearing aids 100 is discussed (for example, the last two paragraphs of page 5). Thus, it is understood from the disclosure as a whole that the disclosed system would be used with a plurality of receivers 1, each being attached to a hearing aid or other hearing device for one of the users. Therefore, the amendment to Fig. 1, which merely duplicates the illustrated combination of the hearing aid 100 and receiver 1 is fully supported by

the specification and drawings as originally filed, by merely illustrating what was already disclosed in the specification. Furthermore, ellipses (“...”) have been inserted in Fig. 1 between the two illustrated hearing aids 100 to indicate a plurality without specifying a specific number.

For the Examiner’s convenience, the portion of claim 1 that was quoted and underlined in the Office action is recited below with references to where each feature is illustrated in the drawing figures:

a plurality of hearing devices (items 100 in FIG. 1), each hearing device comprising a signal processing unit and an electro-acoustic transducer, the signal processing unit being operatively connected to the electro-acoustic transducer (item 100 in FIG. 1, which is described as a hearing aid on the last line of page 4, would be understood by one of ordinary skill in the art to include an electro-acoustic transducer operatively connected to a signal processing unit);  
means for transmitting a plurality of audio signals to the hearing devices, wherein each audio signal is transmitted at a predefined carrier frequency (transmitters  $S_1 \dots S_n$  in Fig. 1; see the first paragraph of page 3);  
each hearing device further comprising means for receiving at least one of the plurality of audio signals (in Fig. 1, hearing aids 100 are connected to receivers 1 that receive signals from  $S_1 \dots S_n$ ; see page 3), said means for receiving at least one of the plurality of audio signals being operatively connected to at least one of the signal processing unit and the electro-acoustic transducer (Fig. 1 shows the receivers 1 connected to the hearing aids 100, which are known to include signal processing units and electro-acoustic transducers);

Thus, for the reasons described above, every feature of the claims is illustrated in the drawing figures, as amended, and it is respectfully requested that the objection be withdrawn.

Further, claims 21, 23, 25, 30-31, 33, 35 and 40 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,721,783 to Anderson (hereinafter “Anderson”). For the following reasons, the rejection is respectfully traversed.

Claims 21 and 31 require a wireless transmission system comprising a plurality of hearing devices, means for transmitting a plurality of audio signals to the hearing devices at predefined carrier frequencies, and means for remotely generating and wirelessly transmitting configuration parameters to the hearing devices. Each hearing device includes means for tuning a means for receiving at least one of the audio signals to a signal according to the configuration parameters. The plurality of audio signals as well as the configuration parameters are transmitted wirelessly via independent transmission channels. As discussed in the application, the claimed system would be useful in an assembly space, such as a school or conference room, and allow the hearing device to be automatically tuned to a transmission channel used in the assembly space.

As the Examiner acknowledges, Anderson does not teach plural hearing devices as required by claims 21 and 31. The Examiner has taken Official notice that it is known to provide more than one hearing device for a wireless transmission system. Applicant respectfully traverses the Examiner's Official notice and requests that the Examiner provide evidence that such a wireless transmission system *in the same field of endeavor* as the present application was actually known at the time the present invention was made.

Further, even if we assume, *in arguendo*, that it is known to provide plural hearing devices in a wireless transmission system, Applicant respectfully submits that it would not have been obvious to provide multiple hearing devices to communicate with the RPU (23) taught by Anderson. Throughout the specification, Anderson characterizes the RPU (23) as a portable device, like a portable telephone or a wristwatch that would be carried or worn by its user (for

example, see column 20, lines 48-52). Unlike the presently claimed multi-user system, the RPU (23) of Anderson is designed to be carried entirely by a single user, and does not contemplate use by multiple users simultaneously. Moreover, Anderson explains that when multiple users use the disclosed system, each user carries its own RPU (23) (see Fig. 6 and column 19, line 62 to column 20, line 47). Therefore, even though multiple user systems may be known, it would not have been obvious to modify Anderson to include a “means for transmitting a plurality of audio signals to the [plurality of] hearing devices” as required by claims 21 and 31.

For at least the reasons discussed above, applicants submit that claims 21 and 31 are not rendered obvious by Anderson. Claims 23, 25 and 30 depend from claim 21. Claims 33, 35 and 40 depend from claim 31. Therefore, claims 23, 25, 30, 33, 35 and 40 are not rendered obvious for the same reasons. Thus, it is respectfully requested that the rejection be withdrawn.

Claims 22, 28, 29, 32, 38 and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of U.S. Patent No. 6,091,826 to Laitinen (hereinafter “Laitinen”). Claims 22, 28 and 29 depend from claim 21. Claims 32, 38 and 39 depend from claim 31. As explained above, all of the limitations of claims 21 and 31 are not rendered obvious by Anderson in view of the Examiner’s Official notice. Further, the teachings of Anderson in view of Laitinen fails to render obvious the limitations of which Anderson is deficient as described above. Therefore, claims 22, 28, 29, 32, 28 and 39 are nonobvious in view of the prior art of record, and the rejection should be withdrawn.

Claims 24, 26, 27, 34, 36 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of U.S. Patent No. 6,242,722 to Hagen (hereinafter

“Hagen”). Claims 24, 26 and 27 depend from claim 21. Claims 34, 36 and 37 depend from claim 31. As explained above, all of the limitations of claims 21 and 31 are not rendered obvious by Anderson in view of the Examiner’s Official notice. Further, the teachings of Anderson in view of Hagen fails to render obvious the limitations of which Anderson is deficient as described above. Therefore, claims 24, 26, 27, 34, 36 and 37 are nonobvious in view of the prior art of record, and the rejection should be withdrawn.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. TSW-32978.

Respectfully submitted,

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Date: December 22, 2008